

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

FILED
SEP 07 2010
Clerk

DAVID A. WAFF, individually, and
on behalf of all those similarly situated,

Plaintiff,

vs.

CIV 07-4166

ORDER

TIM REISCH;
DOUGLAS L. WEBER,
MISTI WAAGMEESTER;
SHANNON MUCHOW;
JACKIE SCHWADER;
DOUGLAS LOEN;
JENNIFER LAND-WAGNER; and/or
any other South Dakota Department of
Corrections and/or State of South Dakota,
Jane and/or John Doe employees, officials
and/or agents, personally or in their
individual capacities,

Defendants.

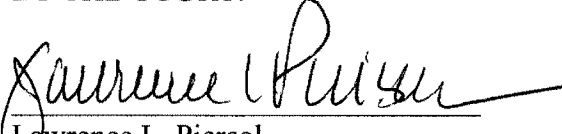
No objections have been filed to Judge Simko's Report and Recommendation and this Court does adopt Judge Simko's Report and Recommendation. Plaintiff's Complaint is therefore dismissed with prejudice for failure to state a claim. Accordingly,

IT IS ORDERED:

1. That the Magistrate Judge's Report and Recommendation is ADOPTED by the Court, and Plaintiff's Complaint is dismissed with prejudice.
2. That the Plaintiff is responsible to pay the filing fee.

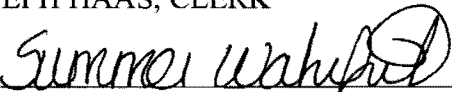
Dated this 7th day of September, 2010.

BY THE COURT:


Lawrence L. Piersol
United States District Judge

ATTEST:
JOSEPH HAAS, CLERK

BY:


DEPUTY